

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 0653

House Bill No. 0406

by inserting the following before the effective date section as amended:

Section _____. To provide access to records during the period between the earlier effective dates of this act and implementation of the contact veto provisions of this act, the procedures in subdivisions (1)-(3) shall be applicable to any requests received by the department for access to records for all adoptions finalized, or for any records created concerning the placement for adoption of any person, on or after March 16, 1951 through December 31, 1995.

(1)(A) In any situation where a pre-adoptive brother/sister relationship existed, and one (1) or more of these siblings was then adopted, the following procedures shall be followed on an inquiry by one (1) or more of the siblings to the department seeking information about his or her brother or sister.

(i) In all cases, an adopted person eighteen (18) years of age or older or a pre-adoptive sibling eighteen (18) years of age or older may file information concerning himself or herself, his or her present location, and his or her known antecedents with the department, stating his or her interest in being re-united with his or her pre-adoptive siblings and authorizing the department to release such information to his or her pre-adoptive siblings who may make similar inquiry. The legal representative of the adopted person or the pre-adoptive sibling may likewise file such a request and when such representative exists, all contacts shall be made through and permission for release of information shall be given by the legal representative under this subdivision.

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(ii)(a) In any case in which a person eighteen (18) years of age or older requests information about or expresses in writing to the department a desire in being reunited with a pre-adoptive sibling, the department shall first determine whether such pre-adoptive sibling has made similar inquiry pursuant to item (i). If such sibling has previously authorized release of information about himself or herself, the department shall release such information to the pre-adoptive sibling making such inquiry.

(b) In all other cases, upon written request to the department of an adopted person eighteen (18) years of age or older for information concerning a pre-adoptive sibling with whom he or she had a pre-adoptive relationship, the department shall search the sealed adoption records or the post adoption records in its possession for information concerning such sibling and, if possible from such information, shall contact such sibling and advise him or her of the request. If a pre-adoptive sibling is located through such search, such sibling shall be provided the name and address of the requesting party, and the sibling so contacted or his or her legal representative shall make the final decision concerning whether or not to contact the requesting party. The department may notify the requesting party that a sibling has been located; provided, however, no further information about such person shall be released without the written authorization of the person so contacted or his or her legal representative. If the department is unable to locate the preadoptive sibling, the department shall notify the requesting party and shall not release any identifying information about such sibling;

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(iii) As used in this subdivision, the term "pre-adoptive brother/sister relationship" or "pre-adoptive sibling" shall mean that, as described in either the sealed adoption record or the post adoption record, or as shown by any evidence satisfactory to the department in its sole discretion, siblings of the half or whole blood had lived together or had known each other for any period of time prior to their separation and the subsequent adoption or placement for adoption or placement in foster care of any of them.

(B) Notwithstanding any provisions of this subsection to the contrary, when a preadoptive sibling or adopted person who is under eighteen (18) years of age, or who has a legal representative as defined in § 36-1-102 (27)(C), is the subject of a search by a pre-adoptive sibling or an adopted person pursuant to the provisions of this subdivision, the department shall contact the parents of the minor adopted person or pre-adoptive sibling, or the legal representative of the adopted person or pre-adoptive sibling, and the parents of the minor adopted person or pre-adoptive sibling or the legal representative of the adopted person or pre-adoptive sibling shall have complete discretion to determine whether or not to reveal to such preadoptive sibling or adopted person any information pursuant to this subdivision.

(2)(A) Upon written request of a person sixty (60) years of age or older who has not been adopted, the department shall search the sealed adoption records or post adoption records in its possession for information concerning the location of the requesting party's sibling or half-sibling.

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(B) Upon locating the requesting party's sibling, the department shall notify the sibling or his or her legal representative of the inquiry. Upon written consent of the sibling or legal representative, the department shall forward the requesting party's name and address to the sibling or the legal representative, and upon further written consent of the sibling or legal representative, shall divulge to the requesting party the present name and address of the sibling.

(C) If the sibling is deceased, or cannot be identified or located, the department shall notify the petitioner of such circumstances, but shall not disclose any name or other information which would tend to identify the sibling.

(3)(A) Upon written request to the department of an adopted person twenty-one (21) years of age or older, the department shall search the sealed adoption records or the post adoption records in its possession for information concerning the location of the adopted person's biological parents.

(B) Upon locating either of the adopted person's biological parents or their legal representatives, the department shall notify the biological parent(s) or their legal representatives of the inquiry by the adopted person. If, for any reason, the biological parent(s) or their legal representatives object, then no information contained in any sealed adoption record or post adoption record shall be disclosed. If either of the biological parents or their legal representatives consents in writing, then the adopted person shall be provided with the name address, and other identifying information

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concerning the consenting biological parent contained in the sealed adoption record or the post adoption record.

(C) If, after diligent search, including the sending of notice to the last known mailing address of the biological parent, neither biological parent can be located, or where one biological parent has been located and has consented to contact pursuant to paragraph (B), the department shall inform the adopted person in writing of the inability to locate the biological parent(s) and shall send a copy of this correspondence to the office of vital records of the department of health. The adopted person may then submit to the office of vital records the correspondence or a copy of the correspondence from the department and the amount of the fee charged by the office of vital records for opening the sealed file and issuing a certified copy of the adopted person's original birth certificate. Notwithstanding the provisions of § 68-3-313, upon receipt of this correspondence and fee, the office of vital records shall provide the adopted person with a certified copy of the adopted person's original birth certificate.

(D) For purposes of complying with the provisions of this subdivision, and notwithstanding the provisions of § 68-3-313, the department shall be granted access to and shall be provided a certified copy of the original birth certificate of an adopted person which is maintained by the office of vital records.

(E) This subdivision is intended to provide an alternative means of obtaining disclosure of adoption records by an adopted person who is subject to the provisions of

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this subsection and shall not be construed as interfering with or limiting the jurisdiction of the court to unseal adoption records pursuant to § 36-1- 138.

AND FURTHER AMEND by adding the following new subdivision (7) to designated § 36-1-138(c) of Senate Judiciary Committee Amendment No. 1:

(7) Notwithstanding the preceding subdivisions of this subsection to the contrary, the movant seeks information from an adoption record, a sealed adoption record, or a post adoption record subject to the provisions of § 36-1-127(c) for the period beginning on March 16, 1951 and extending through December 31, 1995, in which case the movant must only show that the disclosure of such records is in the best interest of the adopted person or the public. This shall not be construed to prevent the movant from demonstrating the need for such information pursuant to subdivisions (1)-(6) in order to obtain such access.